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PATENT TRADEMARK OFFICE

Docket No: 5408/OA237-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Philip G. Sweeney

Serial No.: To Be Assigned

Art Unit: Not Yet Assigned

Filed: Herewith

Examiner: Not Yet Assigned

For: HYDANTOIN-ENHANCED HALOGEN EFFICACY  
IN PULP AND PAPER APPLICATIONS

Reissue of: U.S. Patent No. 5,565,109 Issued: November 23, 1999  
(Reexamination Certificate No. 3940)

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

PURSUANT TO 37 C.F.R. §1.175

Assistant Commissioner for Patents  
Box Reissue  
U.S. Patent and Trademark Office  
Washington D.C. 20231

January 7, 2002

Sir:

I, Philip G. Sweeney, declare that:

1. I am a citizen of the United States of America;

2. I believe I am the original and first inventor of the subject matter which is claimed in the above-identified reissue application filed concurrently herewith and for which a patent is sought;

3. I have reviewed and understand the contents of the above-identified reissue application, including the claims as amended by the Preliminary Amendment filed concurrently herewith;

4. I acknowledge the duty to disclose all information I am aware of which is material to the examination of the above-identified application in accordance with 37 C.F.R. § 1.56;

5. I believe the Letters Patent No. 5,565,109 as modified by the Reexamination Certificate issued November 23, 1999 to be partly inoperative by reason that I claimed more than I had a right to claim under 35 U.S.C. §305 during the reexamination proceeding which resulted in the Reexamination Certificate (3940<sup>th</sup>) issued November 23, 1999;

6. Original claims 1 and 13 of U.S. Patent No. 5,565,109 required that the N-hydrogen compound be added directly to the circulating water system or after addition of the slimicide or with the slimicide in a mixture consisting essentially of the slimicide and the N-hydrogen compound;

7. Since claims 14 and 16, which were added by the Reexamination Certificate, do not include the limitation recited in paragraph 6 of this Declaration, the claims of U.S. Patent No. 5,565,109 as modified by the Reexamination

Certificate (3940<sup>th</sup>) are broader than the original claims of U.S. Patent No. 5,565,109;

8. All errors being corrected in this reissue application up to the time of filing of this application arose without any deceptive intention on my part; and

9. Upon information and belief, U.S. Patent No. 5,565,109 is not and has not been involved in any proceedings, such as interferences, reissues, or litigation, other than a reexamination proceeding which resulted in a Reexamination Certificate (3940<sup>th</sup>) issued on November 23, 1999.

As the named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Bert J. Lewen #19,407, Robert C. Sullivan, Jr., #30,499, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, and Jay P. Lessler #41,151.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or

both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED: 1/8/02

Philip G. Sweeny  
Philip G. Sweeny

2001-10-16 16:54:00